

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0950-02
Bill No.: HB 829
Subject: Education, Elementary and Secondary; Elementary and Secondary Education
Department
Type: Original
Date: April 4, 2011

Bill Summary: This proposal adds acts that could be considered a hate crime to the list of acts that constitute bullying in schools.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	(Unknown - Less than \$100,000)	(Unknown - Less than \$100,000)	(Unknown - Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Unknown - Less than \$100,000)	(Unknown - Less than \$100,000)	(Unknown - Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** state this proposal will have no fiscal impact on the Courts.

Officials from the **Department of Elementary and Secondary Education** assume no fiscal impact to their agency. They also do not expect that school districts will incur significant costs to carry out the provisions of this proposal; however, they defer to school districts regarding the extent of such expenses.

According to officials from the **Department of Corrections (DOC)**, the penalty provision component of this bill resulting in potential fiscal impact for DOC, is for up to an existing class C felony. Currently, the DOC cannot predict the number of new commitments which may result from the enhancement of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY10 average of \$16.397 per offender, per day, or an annual cost of \$5,985 per inmate) or through supervision provided by the Board of Probation and Parole (FY10 average of \$3.92 per offender, per day or an annual cost of \$1,431 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seventeen (17) persons would have to be incarcerated per each fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

Officials from the **Parkway School District** assumed no fiscal impact to their district.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
GENERAL REVENUE			
<u>Cost - Department of Corrections -</u> Incarceration and probation costs	(Unknown - Less than <u>\$100,000</u>)	(Unknown - Less than <u>\$100,000</u>)	(Unknown - Less than <u>\$100,000</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown - Less than \$100,000)</u>	<u>(Unknown - Less than \$100,000)</u>	<u>(Unknown - Less than \$100,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

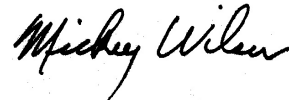
FISCAL DESCRIPTION

Currently, the provisions regarding school bullying prohibit a school district policy on bullying from listing protected classes of students. This proposed legislation removes that prohibition and revises the definition of "bullying" as it relates to a district's anti-bullying policy by adding any action that would qualify as a hate crime under §557.035, RSMo, or any discriminatory action or environment prohibited under certain specified sections of the federal Title IX Education Amendments of 1972. The policy must be included in the student handbook.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education
Department of Corrections
Office of State Courts Administrator
Parkway School District

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
April 4, 2011